

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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BALLY TECHNOLOGIES, INC., a
Nevada, Corporation,

Plaintiff,

vs.

BUSINESS INTELLIGENCE
SYSTEMS SOLUTIONS, INC., a
California corporation,

Defendant.

2:10-CV-00440-PMP-RJJ

ORDER

Before the Court for consideration is Plaintiff Bally Technologies, Inc.'s fully briefed Motion for Preliminary Injunction (Doc. #23), filed on June 18, 2010. On August 26, 2010 the Court conducted a hearing regarding Plaintiff's motion.

By this motion, Bally seeks to enjoin Defendant Business Intelligence Systems Solutions, Inc., ("Bis2") from infringing United States Patent Nos. 7,158,968 (the "968 patent") and 7,221,367 (the "367 patent").

Specifically, Bally claims that Bis2's "vizbybiz2" and "gameViz" data visualization software products marketed in the gaming industry, infringe on '968 and the '367 patents to which Bally claims ownership.

The Court recognizes that complete discovery in this case and the opportunity to construe the claims at issue in accord with Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996) may provide a basis for this Court to revisit

1 the issue of Bally's entitlement to injunctive relief. However, on the record currently
2 before the Court, the Court finds that Plaintiff has failed to demonstrate that (1)
3 irreparable injury is likely to occur to Bally absent an injunction; (2) remedies
4 available at law such as monetary damages, would be insufficient to compensate for
5 any injury suffered by Bally; (3) the balance of hardships that would be respectively
6 suffered by Bally and Bis2 militates toward granting injunctive relief; and (4) the
7 public interest would be served by the granting of injunctive relief. eBay Inc., v.
8 MercExchange, LLC, 126 S.Ct. 1837 (2006).

9 **IT IS THEREFORE ORDERED** that Plaintiff Bally Technologies, Inc.'s
10 Motion for Preliminary Injunction (Doc. #23) is **DENIED**

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12 DATED: September 2, 2010.

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15 PHILIP M. PRO
16 United States District Judge
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